



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

VIA CERTIFIED MAIL

Article No. 7003-1010-0002-6389-3531

Ref:8Enf-L

MAR 3 0 2005

David Cron
M & M Cooperative, Inc.
P.O. Box 184
Yuma, CO 80759

Dear Mr. Cron:

Enclosed is an administrative complaint, seeking penalties for violations of the Federal Insecticide Fungicide and Rodenticide Act, ("FIFRA"), 7 U.S.C. §§ 136 to 136y. In 2004, an EPA inspector noted that restricted use pesticides were sold to uncertified persons by Horizon Co-op, Inc. This Complaint has been filed because of those violations.

If you or a representative would like to discuss the complaint or any of the other documents enclosed in this letter, please call me at 303-312-6924.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Quintana", written over a circular stamp.

Eduardo Quintana,
Enforcement Attorney

Enclosures:

1. Complaint
2. CROP
3. FIFRA ERP
4. SBREFA Information Sheet

cc. Dennis Jaramillo, 8Enf-T



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION VIII**

2005 MAR 30 AM 9:09

Docket No.: **FIFRA-08-2005-0003**

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:

M & M Cooperative, Inc.
Akron Branch
725 East Railroad Avenue
Akron, Colorado

Respondent.

**COMPLAINT AND NOTICE OF
OPPORTUNITY FOR HEARING**

INTRODUCTION (JURISDICTION)

1. This civil administrative enforcement action is authorized by Congress in section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. section 136l(a). The rules for this proceeding are the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits ("Rules of Practice")," 40 C.F.R. part 22, a copy of which is enclosed.

2. The undersigned EPA officials have been properly delegated the authority to issue this action.

3. EPA alleges that Respondent has violated FIFRA by distributing, selling, or making available for use, pesticides that are classified as restricted use pesticides to uncertified persons, and proposes the assessment of a civil penalty, as more fully explained below. FIFRA authorizes the assessment of a civil penalty for violations of the Act. 7 U.S.C. section 136l(a).

NOTICE OF OPPORTUNITY FOR A HEARING

4. Respondent has the right to a public hearing before an administrative law judge (ALJ) to disagree with (1) any fact stated (alleged) by EPA in the complaint, or (2) the appropriateness of the proposed penalty.

5. To disagree with the complaint and assert your right to a hearing, Respondent must file a written answer (and one copy) with the Regional Hearing Clerk (999 18th St; Suite 300; Denver, Colorado 80202) within 30 days of receiving this complaint. The answer must clearly admit, deny or explain the factual allegations of the complaint, the grounds for any defense, the facts you may dispute, and your specific request for a public hearing. Please see section 22.15 of the Rules of Practice for a complete description of what must be in your answer.

FAILURE TO FILE AN ANSWER AND REQUEST FOR HEARING WITHIN 30 DAYS MAY WAIVE RESPONDENT'S RIGHT TO DISAGREE WITH THE ALLEGATIONS OR PROPOSED PENALTY, AND RESULT IN A DEFAULT JUDGMENT AND ASSESSMENT OF THE PENALTY PROPOSED IN THE COMPLAINT.

QUICK RESOLUTION

6. Respondent may resolve this proceeding at any time by paying the specific penalty (\$45,500) proposed in the complaint. Such payment need not contain any response to, or admission of, the allegations in the complaint. Such payment constitutes a waiver of respondent's right to contest the allegations and to appeal the final order. See section 22.18 of the Rules of Practice for a full explanation of the quick resolution process. This payment shall be made by remitting a cashier's or certified check for that amount, payable to "Treasurer, United States of America," to:

U. S. EPA, Region 8
(Regional Hearing Clerk)
Mellon Bank
P. O. Box 360859M
Pittsburgh, PA 15251

SETTLEMENT NEGOTIATIONS

7. EPA encourages discussing whether cases can be settled through informal settlement conferences. If you want to pursue the possibility of settling this matter, or have any other questions, contact Eduardo Quintana at 1-800- 227-8917; extension 6924 or the address below. *Please note that calling the attorney or requesting a settlement conference does NOT delay the running of the 30 day period for filing an answer and requesting a hearing.*

DEFINITIONS

The following general allegations apply to each count of this complaint:

8. **Pesticide** is defined by 40 C.F.R. section 152.3(s) as "any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant . . ."

9. **Certified Applicator** is defined by 40 C.F.R. section 171.2(a)(8) as "any individual who is certified to use or supervise the use of any restricted use pesticide covered by his certification."

10. **Restricted Use Pesticide** ("RUP") is defined by 40 C.F.R. section 171.2(a)(23) as "a pesticide that is classified for restricted use under the provisions of section 3(d)(1)(C) of the Act."

11. **Make Available for Use** is defined by 40 C.F.R. section 171.2(b)(2) as "to distribute, sell, ship, deliver for shipment, or receive and (having so received) deliver, to any person. However, the term excludes transactions solely between persons who are pesticide producers, registrants, wholesalers, or retail sellers, acting only in those capacities."

12. **Dealership** is defined by 40 C.F.R. section 171.2(b)(3) as "any site owned or operated by a restricted use pesticide retail dealer where any restricted use pesticide is made available for use, or where the dealer offers to make available for use any such pesticide."

13. **To Distribute or Sell** and other grammatical variations of the term such as "distributed or sold" and "distribution or sale," is defined by 40 C.F.R. section 152.3(j) as "the acts of distributing, selling, offering for sale, holding for sale, shipping, holding for shipment, delivering for shipment, or receiving and (having so received) delivering or offering to deliver, or releasing for shipment to any person in any State."

GENERAL ALLEGATIONS

14. All paragraphs in this Complaint are hereby incorporated by reference into each of the ensuing counts.

15. Respondent, M & M Cooperative, Inc. ("Respondent"), is incorporated in the State of Colorado.

16. Respondent operates a pesticide dealership located at 725 East Railroad Avenue, Akron, Colorado (the "Facility").

17. At all times pertinent to this Complaint, Respondent sold, distributed, or made available for use registered pesticides classified for restricted use within the meaning of FIFRA section 2(gg) of FIFRA, 7 U.S.C. section 136(gg), and 40 C.F.R. section 152.3(j).

18. On November 17, 2004, an EPA inspector conducted an inspection of Respondent's Facility. During the inspection, the inspector collected Respondent's written information documenting Respondent's sales of pesticides, including restricted use pesticides ("RUPs"), to its customers.

19. As a result of the inspection, the inspector determined that the Respondent's operations involved the sale or distribution of, among other registered pesticides, Aatrex Nine-O (EPA Registration Number: 100-585), and Phosfume (EPA Registration Number: 59209-2-1015).

20. Aatrex Nine-O, and Phosfume are restricted use pesticides ("RUPs").

21. Section 25(a)(1) of FIFRA, 7 U.S.C. section 136w(a)(1), provides authority for the promulgation of regulations to carry out the terms and provisions of FIFRA. In accordance with that authority, EPA has promulgated and published regulations which appear at 40 C.F.R. parts 150 through 186.

22. Section 12(a)(2)(F) of FIFRA, 7 U.S.C. section 136j(a)(2)(F), states "[i]t shall be unlawful for any person . . . to distribute or sell, or to make available for use . . . any registered pesticide classified for restricted use for some or all purposes other than in accordance with section 136a(d) of this title and any regulation thereunder . . ."

23. Respondent is a "person" within the meaning of section 2(s) of FIFRA, 7 U.S.C. section 136(s), and is therefore subject to regulation.

24. EPA has jurisdiction over this matter pursuant to section 14(a)(1) of FIFRA, 7 U.S.C. section 136l(a)(1).

COUNT 1

25. On or about May 17, 2004, Respondent sold or distributed Aatrex Nine-O, a RUP, to Mr. Harry L. Johnson.

26. Mr. Harry L. Johnson was not a certified applicator at the time Respondent sold or distributed Aatrex Nine-O to Mr. Johnson.

27. The sale or distribution Aatrex Nine-O, a RUP, to Mr. Harry L. Johnson, who was not a certified applicator at the time of the sale or distribution, is a violation of section 12(a)(2)(F) of FIFRA, 7 U.S.C. section 136j(a)(2)(F).

28. Respondent is liable for this violation of FIFRA.

COUNT 2

29. On or about July 30, 2004, Respondent sold or distributed Aatrex Nine-O, a RUP, to Mr. Gail McCauley.

30. Mr. Gail McCauley was not a certified applicator at the time Respondent sold or distributed Aatrex Nine-O to Mr. McCauley.

31. The sale or distribution Aatrex Nine-O, a RUP, to Mr. Gail McCauley, who was not a certified applicator at the time of the sale or distribution, is a violation of section 12(a)(2)(F) of FIFRA, 7 U.S.C. section 136j(a)(2)(F).

32. Respondent is liable for this violation of FIFRA.

COUNTS 3-5

33. On at least three separate occasions, on or about May 21, 2004, June 7, 2004, and July 17, 2004, Respondent sold or distributed Phosfume, a RUP, to Mr. Don K. Kennedy.

34. Mr. Don K. Kennedy was not a certified applicator at the time Respondent sold or distributed Phosfume to Mr. Kennedy.

35. The sale or distribution Phosfume, a RUP, to Mr. Don K. Kennedy, who was not a certified applicator at the time of the sale or distribution, is a violation of section 12(a)(2)(F) of FIFRA, 7 U.S.C. section 136j(a)(2)(F).

36. Respondent is liable for this violation of FIFRA.

COUNT 6

37. On or about June 29, 2004, Respondent sold or distributed Aatrex Nine-O, a RUP, to Mr. Dale D. Schmidt.

38. Mr. Dale D. Schmidt was not a certified applicator at the time Respondent sold or distributed Aatrex Nine-O to Mr. Schmidt.

39. The sale or distribution Aatrex Nine-O, a RUP, to Mr. Dale D. Schmidt, who was not a certified applicator at the time of the sale or distribution, is a violation of section 12(a)(2)(F) of FIFRA, 7 U.S.C. section 136j(a)(2)(F).

40. Respondent is liable for this violation of FIFRA.

COUNT 7

41. On or about November 6, 2004, Respondent sold or distributed Phosfume, a RUP, to Mr. Wayne H. Florian.

42. Mr. Wayne H. Florian was not a certified applicator at the time Respondent sold or distributed Phosfume to Mr. Florian.

43. The sale or distribution Phosfume, a RUP, to Mr. Wayne H. Florian, who was not a certified applicator at the time of the sale or distribution, is a violation of section 12(a)(2)(F) of FIFRA, 7 U.S.C. section 136j(a)(2)(F).

44. Respondent is liable for this violation of FIFRA.

PROPOSED CIVIL PENALTY

45. For dealers, FIFRA authorizes the assessment of a civil penalty of up to \$6,500 for each offense of the Act as adjusted by the Debt Collection Improvement Act of 1996. FIFRA requires EPA to consider the appropriateness of the penalty to the size of the business, the effect on the person's ability to continue in business, and the gravity of the violation. EPA has established policies that provide a rational and consistent method for applying statutory factors to the circumstances of specific cases. A narrative description of the reasoning behind the penalty proposed in this case is attached to this complaint, along with copies of the EPA policies. For the FIFRA violations alleged in this complaint, EPA proposes penalties of \$6,500 for each count, for a total penalty of \$45,500. The exact penalty amount for each count can be found in Complainant's Exhibit Number 1.

To discuss settlement or ask any questions you may have about this process, please contact Eduardo Quintana, Enforcement Attorney, at 1-800-227-8917; ext. 6924, or at the address below.

United States Environmental Protection Agency
Region 8, Office of Enforcement, Compliance and
Environmental Justice, Complainant
999 18th Street, Suite 300 (ENF-L)
Denver, CO 80202

Date: 3/29/05

By: Elisabeth Evans
Elisabeth Evans, Director
Technical Enforcement Program

Date: 3.29.05

By: David J. Janik
Michael T. Risner, Director
David J. Janik, Supervisory Enforcement Attorney
Legal Enforcement Program

Date: 3/29/2005

By: Eduardo Quintana
Eduardo Quintana, Enforcement Attorney
Legal Enforcement Program

CONCURRENCE

IN THE MATTER OF:
Docket No: FIFRA-08-2005-0003

M & M Cooperative, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the COMPLAINT, AND NOTICE OF OPPORTUNITY FOR HEARING with exhibits were hand-carried to the Regional Hearing Clerk, EPA Region VIII, 999 18th Street, Denver, Colorado, and that a true copy of the same was sent with enclosures certified mail (no. 7003-1010-0002-6389-3531) to Respondent's registered agent address:

David Cron
M & M Cooperative, Inc.
P.O. Box 184
Yuma, CO 80759

3/30/40
Date

Judith M. McTernan

Penalty Calculation Narrative
M& M Cooperative Inc.

COMPLAINANT'S
EXHIBIT # 1

1. To ensure uniform and consistent enforcement response and application of the statutory penalty criteria in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), EPA developed the July 2, 1990 Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act (1990 Policy).

2. M and M Cooperative Inc., (M and M Co-op) is covered under FIFRA Section 14(a) (1), i.e., a commercial applicator dealer retailer or other distributor or others not included in FIFRA Section 14 (a) (2) [e.g., private applicators].

3. According to the policy identified in paragraph 1, the appropriate enforcement response for a violation of FIFRA Section 12(a) (2) (F), to distribute or sell or to make available for use or to use any registered pesticide classified restricted use for some or all purposes other than in accordance with section 136(a) (d) of this title, is a civil complaint.

4. On November 17, 2004 EPA inspected, the M and M Co-Op to complete a records inspection to ensure compliance with the requirements of 40 CFR 171.11(g) (2) (i). After reviewing the sales records, EPA documented seven violations of FIFRA section 12(a) (2) (F). These violations include the sale of Aatrex 9 -O (EPA Reg No. 100-585), and Phosfume (EPA Reg No. 59209-2-1015).

5. FIFRA Section 14(a) (4) requires EPA to consider the appropriateness of [a civil penalty] to the size of the business of the person charged, the effect on the person's ability to continue in business, and the gravity of the violation.

6. Following the guidance in the policies, EPA calculates a proposed civil penalty using the following process.

7. Appendix A-1 identifies violations of FIFRA Section 12(a) (2) (F), as gravity level 2.

8. Second, according to the policies, EPA determined the size of the business category for the respondent. The penalty for M and M Co-Op has been calculated using the Category I size of business (gross revenues greater than \$1,000,000) with the understanding that the proposed penalty would be recalculated if information becomes available that shows this assumption to be incorrect.

9. Third, EPA used the above gravity and size of business components and the Civil Penalty Matrix for FIFRA Section 14(a) (1) violations on page 19 of the 1990 Policy to determine the dollar amount of the proposed penalty. Violations with level 2 gravity and in Business Category I are assessed a penalty of \$6,500 for each violation (The penalty amounts shown in the 1990 Civil Penalty Matrix have been increased by the Debt Collection Improvement Act of 1996 with the most recent adjustment to \$6,500 becoming effective March 15, 2004).

10. The 1990 Policy then directs that the actual circumstances of the violation be considered using gravity adjustment criteria listed in Appendix B-1 of that document. The penalty amounts determined from the matrix can be adjusted either upward or downward depending on the specifics of the case known to EPA at the time of the penalty calculation. The following gravity adjustment values were used to evaluate M and M Co-Op's violations of FIFRA §12(a) (2) (F):

- (a) The pesticides sold by M and M Co-Op were assigned the following values for toxicity using the July 1990 enforcement response policy:

Aatrex Nine – O, EPA Reg. No. 100-585; (Restricted Use Pesticide) 2
Phosfume, EPA Reg No. 592092-1015; (Restricted Use Pesticide) 2

- (b) The human harm adjustments were assigned a value of three because the harm to human health is unknown.
- (c) The environmental harm adjustment was assigned a value of three since the environmental harm is unknown.
- (d) Region 8 has no record of previous FIFRA violations in which a Civil Complaint was issued to M and M Co-Op during the past 5 years and, therefore, assigned a value of zero for this adjustment.
- (e) These violations by M and M Co-Op regarding culpability was assigned a 2 since as restricted use pesticide dealers they are required to maintain a verify the certification status of the people who purchase the restricted use pesticides, however, the exact reason that these sales were made is unknown. Culpability was, therefore, assigned a value of 2.

The above factors resulted in a total gravity adjustment value of 10 for those involving the sale of restricted use pesticides to unlicensed private applicators.

11. Using a Gravity Adjustment Value of 10, Table 3 in Appendix C of the 1990 Policy sets the penalty adjustment at 0% resulting in a penalty of \$6,500 for each count involving the sale of restricted use pesticides to unlicensed private applicators.

12. Finally, EPA attempts to take into consideration what effect the total calculated penalty of \$ 45,500 would have on the ability of M and M Co-Op to continue to operate. However, based on the limited financial data available, no adjustment to the proposed penalty was considered warranted at this time. Adjustments of the proposed penalty can be made later should information warranting such a change become available.

13. In summary, EPA arrived at a penalty of \$ 45,500 for M and M Co-Op. for seven counts of violating FIFRA Section 12(a) (2)(F). This penalty was arrived at by considering all FIFRA Section 14(a) (4) penalty criteria using the 1990 Policy.

Prepared by: Dennis Jaramillo Date: 03/28/2005

Dennis Jaramillo 3/28/05

Respondent:

M and M Cooperative
725 East Railroad Ave
Akron Co 80702

Prepared By:

Dennis Jaramillo
3/28/2005

Appendix A		Count 1	Count 2	Count 3	Count 4	Count 5	Count 6	Count 7
1	Statutory Violation	12(a)(2)(F)	12(a)(2)(F)	12(a)(2)(F)	12(a)(2)(F)	12(a)(2)(F)	12(a)(2)(F)	12(a)(2)(F)
2	FTIS Code	2FB	2FB	2FB	2FB	2FB	2FB	2FB
3	Violation Level	2	2	2	2	2	2	2
Table 2								
4	Violator Category	14(a)(1)	14(a)(1)	14(a)(1)	14(a)(1)	14(a)(1)	14(a)(1)	
5	Size of Business	1	1	1	1	1	1	1
6	Base Penalty	\$ 6,500.00	\$ 6,500.00	\$ 6,500.00	\$ 6,500.00	\$ 6,500.00	\$ 6,500.00	\$ 6,500.00
7 Appendix B Gravity Adjustment								
7a	Pesticide Toxicity	2	2	2	2	2	2	2
7b	Human Harm	3	3	3	3	3	3	3
7c	Environmental Harm	3	3	3	3	3	3	3
7d	Compliance History	0	0	0	0	0	0	0
7e	Culpability	2	2	2	2	2	2	2
7f	Total gravity adjustment	10	10	10	10	10	10	10
Table 3								
7g	Percent Adjustment	0%	0%	0%	0%	0%	0%	0%
7h	Dollar Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8	Final Penalty	\$ 6,500.00	\$ 6,500.00	\$ 6,500.00	\$ 6,500.00	\$ 6,500.00	\$ 6,500.00	\$ 6,500.00
9	TOTAL PENALTY							\$ 45,500.00

1st PAGE ONLY

**ENFORCEMENT RESPONSE POLICY
FOR THE
FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)**

**Office of Compliance Monitoring
Office of Pesticides and Toxic Substances
U.S. Environmental Protection Agency**

July 2, 1990

develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input to the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on State, local or tribal governments. This rule does not impose any enforceable duties on these entities. Instead, it merely revises the procedural rules governing EPA's administrative enforcement proceedings.

F. Executive Order 13045

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to the E.O. 13045 because it is not "economically significant" as defined in E.O. 12866, and because it does not involve decisions based on environmental health or safety risks.

G. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the

development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

H. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

I. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 22

Environment protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Hazardous waste, Penalties, Pesticides and pests, Poison prevention, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: June 30, 1999.

Carol M. Browner,
Administrator.

Therefore, 40 CFR part 22 is revised to read as follows:

PART 22—CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES, ISSUANCE OF COMPLIANCE OR CORRECTIVE ACTION ORDERS, AND THE REVOCATION, TERMINATION OR SUSPENSION OF PERMITS

Subpart A—General

Sec.

- 22.1 Scope of this part.
- 22.2 Use of number and gender.
- 22.3 Definitions.
- 22.4 Powers and duties of the Environmental Appeals Board, Regional Judicial Officer and Presiding Officer; disqualification, withdrawal, and reassignment.
- 22.5 Filing, service, and form of all filed documents; business confidentiality claims.
- 22.6 Filing and service of rulings, orders and decisions.
- 22.7 Computation and extension of time.
- 22.8 Ex parte discussion of proceeding.
- 22.9 Examination of documents filed.

Subpart B—Parties and Appearances

- 22.10 Appearances.
- 22.11 Intervention and non-party briefs.
- 22.12 Consolidation and severance.

Subpart C—Prehearing Procedures

- 22.13 Commencement of a proceeding.
- 22.14 Complaint.
- 22.15 Answer to the complaint.
- 22.16 Motions.
- 22.17 Default.
- 22.18 Quick resolution; settlement; alternative dispute resolution.
- 22.19 Prehearing information exchange; prehearing conference; other discovery.
- 22.20 Accelerated decision; decision to dismiss.

Subpart D—Hearing Procedures

- 22.21 Assignment of Presiding Officer; scheduling the hearing.
- 22.22 Evidence.
- 22.23 Objections and offers of proof.
- 22.24 Burden of presentation; burden of persuasion; preponderance of the evidence standard.
- 22.25 Filing the transcript.
- 22.26 Proposed findings, conclusions, and order.

Subpart E—Initial Decision and Motion to Reopen a Hearing

- 22.27 Initial decision.
- 22.28 Motion to reopen a hearing.

Subpart F—Appeals and Administrative Review

- 22.29 Appeal from or review of interlocutory orders or rulings.
- 22.30 Appeal from or review of initial decision.

1st PAGE ONLY



U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers: <http://www.epa.gov/clearinghouse>

Pollution Prevention Clearinghouse
<http://www.epa.gov/opptintr/library/ppicindex.htm>

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs:
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone and Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
<http://www.epa.gov>

Small Business Assistance Program
<http://www.epa.gov/ttn/sbap>

Office of Enforcement and Compliance Assurance
<http://www.epa.gov/compliance>

Compliance Assistance Home Page
<http://www.epa.gov/compliance/assistance>

Office of Regulatory Enforcement
<http://www.epa.gov/compliance/civil/index.html>

Office of Site Remediation Enforcement
<http://www.epa.gov/compliance/cleanup>

Innovative Programs for Environmental Performance
<http://www.epa.gov/partners>

Small Business Ombudsman
www.sba.gov/ombudsman

